

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHARON LETCHER,
Plaintiff,

No. C-05-03772 JSW (EDL)

ORDER RE SITE INSPECTION

v.

CITY & COUNTY OF SAN FRANCISCO, ET
AL,
Defendant.

Pursuant to this Court's Order, Plaintiff filed a revised declaration identifying the areas at the Davies Symphony Hall of which she is personally aware or which she has personally encountered which may deny her access. See Docket No. 43-1 (August 11, 2006 Decl.). Although the Court notes that Plaintiff's revised declaration attributes to personal observations what she previously attributed to the views of others, in the absence of any evidence to the contrary, the Court will not presume that the revised declaration is untruthful given that Plaintiff had the opportunity to observe all the areas in her visits prior to using a wheelchair. The Court also notes that under Pickern v. Holiday Quality Foods Inc., 293 F.3d 1133, 1138 (9th Cir. 2002), Plaintiff need not have personally encountered the areas which may deny her access in the future in order to seek an injunction to redress violations of the Americans with Disabilities Act.

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1 Accordingly, the Court orders Defendant to allow Plaintiff to inspect each of the areas
2 identified in her revised declaration within thirty days.

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4 **IT IS SO ORDERED.**

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6 Dated: August 23, 2006

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge